**HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO**

**W.P. No.17755 of 2007**

**23.8.2007**

Between

Smt.Gullapudi Annapurna ..Petitioner

AND

Agent to Government, West Godavari District at Eluru and others ..Respondents

**:: JUDGMENT :**

**HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO**

**W.P. No.17755 of 2007**

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The Special Deputy Collector (Tribal Welfare), Polavaram passed orders in his proceedings in S.R.No.7 of 2006 against the writ petitioner herein on 17.1.2007 ordering ejectment of the writ petitioner from out of the land of an extent of Ac.1.09 cents in R.S.No.276/2 of Repallewada Village. It is not in dispute that against this order of the Special Deputy Collector, an Appeal is provided to the Agent to the Government, West Godavari at Eluru under Section 8 of the A.P. Scheduled Areas Land Transfer Regulation Act, 1959. The writ petitioner has asserted that such Appeal has been preferred on 6.2.2007 and along with the Appeal, an Interlocutory Application was also moved seeking stay of the operation of the orders of the Special Deputy Collector dated 17.1.2007. It is the claim of the writ petitioner that the Agent to the Government being the Collector of the District as well, is so preoccupied with other pressing works and consequently, is not in a position to take up the Appeals preferred to him and no interlocutory orders could be obtained by the writ petitioner. In the meantime, the Special Deputy Collector and his subordinate officers are threatening

the writ petitioner to vacate from out of the scheduled land. Therefore, the present writ petition has been instituted.

Once an Appeal is preferred to the Agent of the Government, it is only expected that it is attended to at the earliest convenient time to the Agent. If the Appeal itself cannot be decided, the Interlocutory Application moved by the parties seeking urgent interim orders could be attended to in the meantime. It is no doubt true that the Agent of the Government being the District Collector is preoccupied with more pressing and important public functions, but that is no justification for not entertaining the Appeals transferred to him for months together.

In these set of circumstances, I consider it appropriate to direct the Agent to the Government to entertain, hear and decide the Appeal preferred against the orders of the Special Deputy Collector dated 17.1.2007 on or before 30th June, 2008. Till such time, the writ petitioner be permitted to continue in possession of the scheduled land and she be not dispossessed therefrom. It is however open to the Agent to the Government to independently consider the Interlocutory Application moved by the writ petitioner herein and decide the same even before he decides the Appeal preferred to him.

With this, the writ petition stands disposed of.

_____

**NOOTY RAMA MOHANA RAO.J.**

23.8.2007

psr